

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013050568

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On August 6, 2013, the parties filed a stipulated request for a continuance of the mediation, prehearing conference and due process hearing dates scheduled for the first amended due process hearing request (amended complaint). The initial complaint was filed on May 17, 2013 and was continued twice. The amended complaint was filed on July 19, 2013.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation:	September 19, 2013, 9:30 a.m. through 4:00 p.m.
Prehearing Conference:	November 18, 2013 at 10 a.m.

Due Process Hearing:

November 25, 2013 @ 1:30 p.m., November 26, and 27, 2013 @ 9:30 a.m., and Tuesday, December 3, 2013 at 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
[Please Note: Given the filing date of the initial complaint and the two continuances granted prior to the amended complaint, further continuances are discouraged, and will not be granted without exigent circumstances.]

IT IS SO ORDERED.

Dated: August 06, 2013

/s/

EILEEN M. COHN

Administrative Law Judge

Office of Administrative Hearings